

# Performance Track Regulatory and Administrative Incentives

Your membership in Performance Track provides you with regulatory and administrative benefits. EPA has established the policy that better environmental performance warrants different oversight and that environmental achievement beyond compliance should be recognized and rewarded. Marketing the regulatory and administrative incentives that Performance Track offers to key decision-makers within your facility and company should help you build the consensus you need to apply for Performance Track. Currently, there are several federal incentives in place, and others in various stages of development. To view additional information on regulatory and administrative incentives, you can visit [www.epa.gov/performancetrack/benefits/regadmin.htm](http://www.epa.gov/performancetrack/benefits/regadmin.htm).

The incentives available now are a low priority for routine inspections, an extended accumulation time for storing hazardous waste, reduced reporting frequency for minor air sources, more favorable terms for Clean Water State Revolving Fund loans, and an expedited NPDES permit renewal process.

- **Low Priority for Routine Inspections—** Performance Track facilities are given a low priority for routine inspections by EPA. Senior enforcement officials in each EPA region are responsible for ensuring that this policy is implemented and appropriately incorporated into internal planning and accountability processes, as well as planning processes with states and localities.
- **Extended Hazardous Waste Accumulation Time—** This regulation allows large quantity generators of hazardous waste who are Performance Track members up to 180 days, and in some cases 270 days, to accumulate their hazardous waste without a RCRA (Resource Conservation and Recovery Act) permit or interim status.
- **Reduced Reporting Frequency for Minor Air Sources—** This provision reduces the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act such that semi-annual reports may be submitted annually. The rule also allows for submitting an annual certification in lieu of an annual report in some circumstances.
- **Clean Water State Revolving Fund Program—** EPA encourages states to provide more favorable terms to Performance Track facilities in their Clean Water State Revolving Fund (CWSRF) programs. CWSRF programs use a combination of federal and state contributions to make low interest loans to interested parties for a variety of water quality projects dealing with municipal wastewater treatment projects, non-point sources, watershed protection or restoration, and estuary management. The incoming loan repayments are “recycled” into new loan disbursements for other water-related projects. The CWSRF loans can help Performance Track facilities achieve environmental commitments that are important to state and local environmental priorities. The support also could encourage facilities to increase their community involvement, perhaps helping to link facilities with watershed groups. Working with Performance Track facilities also allows states to support activities that are beyond regulatory requirements. More information is available in the EPA fact sheet (see [www.epa.gov/owm/cwfinance/cwsrf/performancetrack.pdf](http://www.epa.gov/owm/cwfinance/cwsrf/performancetrack.pdf)).
- **Expedited NPDES Permit Reviews—** Performance Track staff has worked with EPA’s Office of Water to finalize a process to expedite the review of National Pollutant Discharge Elimination System (NPDES) permits held by Performance Track members.



- **Effluent Guidelines Planning Process**—In its analyses to determine whether to develop or revise effluent guidelines for various industry sectors, Office of Water considers the sectors' voluntary efforts to reduce water pollution, such as through facility improvements through programs like Performance Track (see [www.epa.gov/guide/304m/304m20050920.pdf](http://www.epa.gov/guide/304m/304m20050920.pdf)).

of the proposed changes would allow Performance Track facilities covered by this general permit to conduct benchmark monitoring for two quarters during the five-year permit term, compared with four quarters for non-Performance Track facilities. The proposed change could also waive benchmark monitoring entirely for Performance Track facilities.

The following is a summary of other regulatory efforts that EPA is developing:

### Air Incentives

- **Flexible Permits**—EPA is developing a number of flexible air permits for Performance Track facilities that are "major sources." The flexible permits typically include provisions that approve certain types of changes that would otherwise require a major permit modification. Facilities with flexible permits usually make advance approved changes based on business conditions, without having to amend their permit. Flexible permits save facilities and states time and money. EPA is planning to hold informational workshops for permit writers and interested Performance Track facilities once the rule is published.

### Water Incentives

- **Balancing NPDES Effluent and Ambient Monitoring**—In 2005, Performance Track started working with three Performance Track members and officials from their EPA Regions to discuss opportunities for balancing effluent and ambient monitoring by their facilities, with the goal of providing more useful data for assessing the health of their watersheds, planning, and decision-making.
- **Stormwater Benchmark Monitoring**—In December 2005, the Office of Water proposed changes and requested comments to its Multi-Sector General Permit for stormwater in non-delegated states. One

### Waste Incentives

- **Less Frequent Self-inspections for Performance Track Facilities**—EPA published a proposed rule that would provide Performance Track RCRA facilities the opportunity to reduce self-inspections of certain types of hazardous waste units from daily or weekly to monthly. The rule is slated to be finalized in 2006.
- **RCRA Incentives Rule**—EPA intends to propose a new rule for Performance Track facilities that generate, treat, store, or dispose of RCRA wastes. The rule would propose benefits such as permit streamlining, performance-based tank standards, a new type of standardized permit, and increased efficiency between RCRA Air standards and CAA standards.

### Other State and Partnership Program Incentives

- EPA's Performance Track program is working with state partners to streamline state program application and reporting processes, reduce regulatory and administrative burdens placed on members, and develop and deliver meaningful incentives that encourage higher levels of performance. To help achieve these goals, EPA has thus far signed a Memorandum of Agreement (MOA) with nine states—Colorado, Georgia, Maine, Massachusetts, Tennessee, Texas, Utah, Virginia, and Washington.